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Attorneys for Plaintiff
24 Hour Fitness USA, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
SAN JOSE DIVISION

24 Hour Fitness USA, Inc.,

Plaintiff,

vs.

Apex Stores, LLC; Apex, LLC; Apex at
Home, LLC,

Defendants.

No. CV 08 1681 HRL

DECLINATION TO PROCEED BEFORE A
MAGISTRATE JUDGE
AND REQUEST FOR REASSIGNMENT TO
A UNITED STATES DISTRICT JUDGE.

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to
a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of
this case to a United States District Judge.

1 Dated: June 4, 2008

MANATT, PHELPS & PHILLIPS, LLP

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